

## Message Text

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SUBJ: JUDICIAL ASSISTANCE TREATY: SWISS RATIFICATION

SUMMARY. SWISS OFFICIALS SAY THAT IT HAS NOT BEEN DECIDED WHETHER TO SEND JUDICIAL ASSISTANCE TREATY TO FEDERAL ASSEMBLY FOR APPROVAL ALONE OR WITH IMPLEMENTING LEGISLATION. FIRST ALTERNATIVE MIGHT RESULT IN SPEEDIER RATIFICATION; HOWEVER, MUTUAL ASSISTANCE COULD NOT BEGIN UNTIL IMPLEMENTING LEGISLATION PASSED. EMBASSY HAS INFORMALLY TAKEN POSITION THAT BOTH PARTIES SHOULD AIM FOR COMPLETION ALL STEPS NECESSARY FOR JUDICIAL ASSISTANCE BY JANUARY 1, 1975 AT VERY LATEST. IF DEPARTMENT CONCURS, MIGHT BE HELPFUL FOR DEPARTMENT TO TAKE SIMILAR LINE WITH SWISS AMBASSADOR. END SUMMARY.

1. INFORMAL DISCUSSIONS REVEAL THAT SWISS GOVERNMENT HAS REACHED NO FINAL DECISION ON OBTAINMENT OF LEGISLATIVE APPROVAL OF JUDICIAL ASSISTANCE TREATY AND IMPLEMENTING LEGISLATION. MARKEES SAYS MEETINGS WILL BE HELD SHORTLY ON SUBJECT AND HE FAVORS SENDING TREATY AND IMPLEMENTING LEGISLATION TO FEDERAL ASSEMBLY AT SAME TIME. ON OTHER HAND, NUSSBAUMER AND MONNIER SAY THAT FEDERAL POLITICAL DEPARTMENT FAVORS SENDING TREATY TO FEDERAL ASSEMBLY ALONE AS MEANS OF OBTAINING REASONABLY QUICK RATIFICATION.

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( IN HIS PRESS CONFERENCE ON MAY 25, WEITNAUER SUGGESTED RATIFICATION MIGHT TAKE 8-12 MONTHS.) THEY REASON THAT IMPLEMENTING LEGISLATION WILL BE DELAYED IN PREPARATION BY CONSULTATIONS WITH INTERESTED PARTIES AND ALSO THAT TREATY RATIFICATION MIGHT BE HELD UP BY DEBATE ON VARIOUS PROVISIONS OF IMPLEMENTING LEGISLATION.

2. ECONCOUNS ASKED NUSSBAUMER WHETHER, AFTER RATIFICATION, TREATY MIGHT BECOME OPERATIVE WITHOUT ENACTMENT OF ITS OWN IMPLEMENTING LEGISLATION, FOR EXAMPLE UNDER IMPLEMENTING LEGISLATION PERTAINING TO EUROPEAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS OR OTHER SIMILAR TREATY UNDERTAKINGS. NUSSBAUMER REPLIED THAT THIS WOULD NOT BE POSSIBLE AS PROCEDURES FOR JUDICIAL ASSISTANCE UNDER US- SWISS TREATY ARE MORE INVOLVED THAN UNDER PREVIOUS TREATIES ON JUDICIAL ASSISTANCE. UNDER FURTHER QUESTIONING, HE ADMITTED THAT TREATY WOULD HAVE NO OPERATIONAL WORTH IN ABSENCE OF IMPLEMENTING LEGISLATION.

3. AFTER NOTING THAT TACTICS FOR ATTAINMENT OF RATIFICATION INVOLVE DOMESTIC POLITICAL CONSIDERATION WHICH EACH PARTY MUST DECIDE, ECONCOUNS EXPRESSED OWN VIEW THAT IT WOULD BE UNFORTUNATE IF AIMS OF TREATY WERE FRUSTRATED BY ABSENCE OF ALL ACTION REQUIRED. HE EXPRESSED CONFIDENCE THAT USG WOULD LIKE TO SEE TREATY ENTER INTO FORCE AS SOON AS POSSIBLE AND, NOTING THAT TREATY SHALL NOT ENTER INTO FORCE UNTIL 180 DAYS AFTER DATE OF EXCHANGE OF INSTRUMENTS OF RATIFICATION, SUGGESTED THAT PROMPT ACTION ON BOTH RATIFICATION AND OBTAINMENT OF NECESSARY DOMESTIC AUTHORITY TO IMPLEMENT TREATY IS ALREADY NECESSARY IF JUDICIAL ASSISTANCE IS TO BEGIN BY JANUARY 1, 1975.

4. COMMENT. WHILE THERE IS NO REASON TO DOUBT GOODWILL OF SWISS IN OBTAINING RATIFICATION OF JUDICIAL ASSISTANCE TREATY, ABSENCE OF SWISS IMPLEMENTING LEGISLATION WOULD FRUSTRATE USE OF TREATY. EMBASSY BELIEVES IT WILL BE NECESSARY TO POINT OUT TO SWISS OUR CONTINUING INTEREST IN THIS POINT. IF DEPARTMENT SHARES EMBASSY'S VIEWS, SUGGEST THAT COUNTRY DIRECTOR EUR/ CE MENTION TO LIMITED OFFICIAL USE

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AMBASSADOR SCHNYDER ON EARLY OCCASION OUR HOPE THAT ALL STEPS NECESSARY TO JUDICIAL ASSISTANCE CAN BE COMPLETED AS SOON AS POSSIBLE. JANUARY 1, 1975, SEEMS TO EMBASSY EARLIEST REALISTIC DATE FOR BEGINNING OF JUDICIAL ASSISTANCE UNDER TREATY.  
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